

JAN 15 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE Middle DISTRICT OF TENNESSEE
Nashville DIVISION

BY _____
DEPUTY CLERK

TERRY WAYNE BATTLE
Prison ID # 44118

Prison ID # _____

Prison ID # _____

Plaintiff(s)
[LIST THE NAMES OF ALL
PLAINTIFFS FILING THIS LAWSUIT;
DO NOT USE "ET AL"]

vs.

CORRECTIONS CORP. OF AMERICA
DARREN HALL, Sheriff
BRIAN GARDNER, Warden

Defendant(s)
[LIST THE NAMES OF ALL
DEFENDANTS AGAINST WHOM YOU ARE
FILING THIS LAWSUIT; DO NOT USE
"ET AL"]

CIVIL ACTION NO. 3 08 MC 0013

[To be assigned by the Clerk's
Office. Do not write in this
blank]

IF YOU NEED MORE SPACE TO LIST OTHER PLAINTIFFS AND/OR DEFENDANTS,
SO INDICATE AND ATTACH A SEPARATE SHEET OF PAPER

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
UNDER 42 U.S.C. § 1983

I. PREVIOUS LAWSUITS

- A. Have you or any of the other plaintiffs listed above
filed any other lawsuits in the United States District
Court for the Middle District of Tennessee and/or in any
other state or federal court?

Yes ✓

No _____

B. If you answered YES to Question A, list the following information:

[If you have filed more than one lawsuit, list the additional lawsuits on another sheet of paper, using the same outline as below.]

1. Parties to previous lawsuit:

Plaintiffs: TERRY WAYNE BATTLE

Defendants: IRUMAN JONES, Sheriff

2. In what Court did you file the previous lawsuit?

United States District Court, Nashville
(If federal Court, name the District; if state Court, name the county.)

3. Case Number of the Previous Lawsuit: Dont Remember

4. Name of Judge to Whom Case was assigned: J. I. Nixon

5. When did you file the previous lawsuit?

JANUARY 1999 (Indicate the year if you do not know the exact month or day)

6. What was the disposition or result of the previous lawsuit (for example, was it dismissed, appealed, or still pending)

Settled

7. When was the previous lawsuit decided by the Court?

JUNE OR JULY 2004 (Indicate the year if you do not know the exact month or day)

8. Did the previous lawsuit involve the same facts or circumstances that you are alleging in the lawsuit you are now submitting?

Yes _____ No ✓

II. PLACE OF PLAINTIFF(S)'S CURRENT CONFINEMENT:

- A. Name the prison or jail in which you are currently incarcerated:

CCA-Metro

- B. Are the facts of your lawsuit related to your confinement in your present prison or jail?

Yes ✓ No _____

- C. If you answered NO to Question B, list the name and address of the jail or prison to which the facts of your lawsuit relate:

- D. Do the facts of your lawsuit relate to your confinement in a Tennessee State prison?

Yes _____ No _____

- E. If you answered YES to Question D, did you present these facts to the prison authorities through the state prisoner grievance procedure?

Yes ✓ No _____

- F. If you answered YES to Question E:

1. What steps did you take: I filed AN INFORM-
A GRIEVANCE AND A GRIEVANCE, AND ALSO
FILED CRIMINAL CHARGES AGAINST INMATE WILLIAMS
2. What was the result? See GRIEVANCE

- G. If you answered NO To Question E, explain why not:

III. PARTIES TO THIS LAWSUIT

A. Plaintiff(s) Bringing this Lawsuit:

1. Name of First Plaintiff: LERRY WAYNE BATTLE
Prison ID Number of First Plaintiff: 44118
Address of First Plaintiff: 5115 HARDING PL.
NASHVILLE, TN. 37211 (CCA-Metro)
(Include name of institution and mailing address)

2. Name of Second Plaintiff: _____
Prison ID Number of Second Plaintiff: _____
Address of Second Plaintiff: _____

(Include name of institution and mailing address)

3. Name of Third Plaintiff: _____
Prison ID Number of Third Plaintiff: _____
Address of Third Plaintiff: _____

(Include name of institution and mailing address)

IF THERE ARE MORE THAN THREE PLAINTIFFS, LIST THEIR NAMES, PRISON IDENTIFICATION NUMBERS AND ADDRESSES BELOW OR ON AN ATTACHED SHEET OF PAPER.

B. Defendants Against Whom You Are Filing this Lawsuit:

1. Name of First Defendant: CORRECTIONS CORP. of AMERICA

Place of Employment of First Defendant:

Address of First Defendant: 10 Burton Hills Blvd.
Nashville, TN 37215

2. Name of Second Defendant: DARREN HALL, Sheriff

Place of Employment of Second Defendant:

DAVIDSON COUNTY, Tennessee

Address of Second Defendant: 448 Second Ave. N.
Nashville, TN 37201

3. Name of Third Defendant: BRIAN GARDENER, WARDEN

Place of Employment of Third Defendant:

CORRECTIONS CORP. of AMERICA - Metro

Address of Third Defendant: 5115 HARDING PL.
Nashville, TN 37211

IF YOU ARE BRINGING THIS LAWSUIT AGAINST MORE THAN THREE DEFENDANTS, YOU MUST LIST EACH DEFENDANT'S NAME, PLACE OF EMPLOYMENT, AND ADDRESS BELOW OR ON AN ATTACHED SHEET OF PAPER.

IF YOU DO NOT LIST EACH DEFENDANT'S NAME, ANY SUCH DEFENDANT WILL NOT BE INCLUDED IN YOUR LAWSUIT; IF YOU DO NOT LIST EACH DEFENDANT'S NAME, PLACE OF EMPLOYMENT AND ADDRESS, THE CLERK WILL NOT BE ABLE TO SERVE ANY SUCH DEFENDANT.

Defendants Cont.

4. Sgt. FARRIS 5115 HARDING Pl.
Nashville, IN. 37211 CCA-Metro

5. Chief Unit Manager BARNES 5115 HARDING
Pl. Nashville, IN. 37211 CCA-Metro ✓

6. Asst. Chief Security HAWKINS 5115 HARD-
ING Pl. Nashville, IN. 37211 CCA-Metro ✓

7. Sgt. Hilligoss 5115 HARDING Pl. Nashville,
IN. 37211 CCA-Metro ✓

Statement of Claim

On August 7, 2007 I WAS WORKING IN SEGREGATION AS A PORTER (ROCKMAN) WHEN INMATE QUINTON WILLIAMS (A MAXIMUM SECURITY INMATE) SOMEHOW MANAGED TO GET OUT OF HIS DEAD LOCKED double secured cell AND THEN OUT OF THE MAIN door of pod 3 (through 2 supposedly secured doors) AND hit me in the head with A Food TRAY that required me to have staples placed in the top of my head at Meharry Metro General Hospital. The staples remained in my head a total of 9 days AND I constantly have headaches from being hit in the head with the TRAY for which I receive medication. INMATE TALLEY assisted inmate WILLIAMS in the assault on me AND he (TALLEY) WAS placed in segregation. On August 8, 2007 I WAS FIRED FROM segregation AS PORTER by Misty Russell with the approval of Unit Manager Jones. I WAS ASSAULTED AND THEN punished for being assaulted by being FIRED FROM segregation. INMATES ARE NOT ALLOWED out of their cells FOR ANY REASON WHATSOEVER without hands restrained (behind their backs) AND legs restrained. INMATE WILLIAMS should NEVER have been out of his cell (however he got out) without hand AND

Statement of Claim Cont.

leg RESTRAINTS NOR should he have been able to ASSAULT me. While I WAS BEING ASSAULTED OFFICER FARRIS didn't INTERVENE AND let INMATE WILLIAMS CONTINUE his ASSAULT ON ME. OFFICER GORDON eventually pulled INMATE WILLIAMS off ME. I WAS subjected to CRUEL AND UNUSUAL PUNISHMENT. The defendants KNEW OR SHOULD HAVE KNOWN the potential DANGERS that existed to my safety AND welfare. ON August 31, 2007 Chief Unit Manager BARNES AND Unit Manager JONES MOVED INMATE Talley back in Unit Fox Trot placing my life EVEN IN MORE DANGER with the APPROVALS of Assistant Chief HAWKINS AND Chief WARDLOW. Due to the defendants breach of security AND policies with their MALICIOUS, ARBITRARY AND CAPRICIOUS decisions I WAS the VICTIM of a BRUTAL AND VICIOUS ASSAULT. ON September 20, 2007 Sgt. Hilligoss ASKED me what happened between Memphis (WILLIAMS) AND ME. I Responded that it WAS NONE of his business AND that I didn't want to talk ABOUT it AND he (Hilligoss) stated he should have put your OTHER PUCKING eye put with your SMART one eyed ASS. The defendants WERE AND still ARE deliberately INDIFFERENT to my safety AND welfare. The defendants HAVE A policy under their Guiding Principles - SAFETY AND SECURITY which states:

Dedicate every action to safe and secure correctional facilities. Through training, skills and courage, protect our communities, "individuals in our care", and each other. Yet the defendants are breaching their security and policies on a regular basis and are deliberately indifferent to the safety and welfare to the prisoners and employees as well. For instance in June or July 2007 a maximum security prisoner in cell 20 somehow managed to get out of his cell and assault James Nelson who was working in segregation as an inmate porter. On July 4, 2007 a female employee was sexually assaulted by a maximum security prisoner and on September 26, 2007 another maximum security prisoner somehow managed to get out of his cell and assault another prisoner. Inmates in maximum security have somehow managed to get out of their cells and assault others on an average of once per month. The defendants were and are deliberately indifferent to the safety and welfare of plaintiff under color of state law. The defendants have a policy in place here at CCA-Metro which states Accountability: Hold ourselves responsible for every action. Be good stewards of our customers interest. The defendants should be held accountable for being deliberately indifferent under color of state law to my safety and welfare. The constant headaches and the two (2) inch scar in my head that I see everytime I look in the mirror is a constant reminder of the horrific assault that I suffered.

Relief Cont.

F. That the defendants pay for the cost of filing this lawsuit.

G. That an evidentiary hearing be held as soon as feasible.

H. That the magistrate hear and decide this matter.

I. Whatever else the Court deem just and appropriate.

J. That an attorney be appointed to represent me in this matter.

K. A temporary a permanent injunction be issued that the defendants not be allowed to retaliate for the filing of this lawsuit.

L. That plaintiff be allowed to amend complaint if needed.

V. RELIEF REQUESTED: List what you want the Court to do; list what relief you seek against each defendant:

- A. \$1,000,000 IN COMPENSATORY DAMAGES AGAINST DEFENDANT CCA
B. \$2,000,000 IN PUNITIVE DAMAGES AGAINST DEFENDANT CCA
C. \$500,000 EACH IN COMPENSATORY DAMAGES AGAINST ALL OTHER DEFENDANTS.
D. \$750,000 EACH IN PUNITIVE DAMAGES AGAINST ALL OTHER DEFENDANTS.
E. That each defendant be sued in their individual AND OFFICIAL CAPACITIES.

I (we) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge and belief.

Signed this 18th day of December, 19 2007.

Signature: Terry Wayne Battle Terry Battle

Prison ID Number: 44418

Date: 12/18/07

Address: 5115 HARDING PLACE
NASHVILLE, TN. 37211

(Include city, state & zip code)

Signature: _____

Prison ID Number: _____

Address: _____

(Include city, state & zip code)

Signature: _____

Prison ID Number: _____

Address: _____

(Include city, state & zip code)

Prison ID Number: _____

Address: _____

ALL PLAINTIFFS MUST SIGN THE COMPLAINT. If there are more than three plaintiffs, attach additional signatures, with prison identification numbers and addresses.